

## Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 R

DRAFTED BY TREASURY:PSUCHMAN:MAM

APPROVED BY STATE/EB/ITP:MGLITMAN

TREASURY - MR. GARDNER

AGRICULTURE - MR. BUTZ

STR - MR. DENT

D - MR. INGERSOLL

WHITE HOUSE - MR. SEIDMAN

S/S-O:JHOGANSON

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O 222314Z APR 75 ZFF4

FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS NIACT IMMEDIATE

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EXDIS

E.O. 11652: N/A

TAGS: EAGR, EEC, ETRD

SUBJECT: EC CHEESE

FOR GREENWALD

1. YOU SHOULD INFORM SOAMES THAT PURSUANT TO DENT, GREENWALD, SOAMES CONVERSATION OF APRIL 21 DENT HAS ASKED AND ACTING TREASURY SECRETARY GARDNER HAS AGREED TO SEND FOLLOWING LETTER TO SOAMES PROVIDING EC ACCEPTS US APRIL 5 OFFER. YOU MAY GIVE DRAFT LETTER TO SOAMES NOW AS A "NON-PAPER" FOR HIS USE. BEGIN TEXT.

YOU HAVE ASKED WHETHER THE U.S. GOVERNMENT VIEWS THE COUNTERVAILING DUTY CASE ON DAIRY PRODUCTS FROM THE EC AS A PRECEDENT FOR THE FUTURE DISPOSITION OF COUNTERVAILING  
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DUTY CASES CONCERNING AGRICULTURAL PRODUCTS.

AS YOU ARE AWARE THE DAIRY CASE HAS A NUMBER OF  
UNIQUE ASPECTS, INCLUDING THE LEGISLATIVE HISTORY OF THE  
TRADE ACT OF 1974 RELATING TO THE APPLICATION OF THE DIS-  
CRETIONARY CRITERIA TO THE FACTS OF THE DAIRY CASE. NO SUCH  
SPECIFIC LEGISLATIVE HISTORY EXISTS WITH RESPECT TO ANY  
OTHER AGRICULTURAL PRODUCT. THUS, THE CRITERIA SET FORTH  
IN THE LAW HAVE NOT BEEN SUPPLEMENTED BY ANY OTHER CONDITIONS  
AS IN THE DAIRY CASE.

THE INTENT OF THE TREASURY DEPARTMENT IS TO APPLY THE  
DISCRETIONARY PROVISION IN SUCH CASES WHENEVER THE  
SECRETARY OF THE TREASURY IS SATISFIED THAT THE STATUTORY  
CRITERIA HAVE BEEN MET AND ELIMINATION OF THE PRACTICE  
CANNOT BE REASONABLY EXPECTED.

THOSE CRITERIA ARE AS FOLLOWS:

"(A) ADEQUATE STEPS HAVE BEEN TAKEN TO REDUCE  
SUBSTANTIALLY OR ELIMINATE DURING SUCH PERIOD THE ADVERSE  
EFFECT OF A BOUNTY OR GRANT WHICH HE HAS DETERMINED IS  
BEING PAID OR BESTOWED WITH RESPECT TO ANY ARTICLE OR  
MERCHANDISE;

"(B) THERE IS A REASONABLE PROSPECT THAT, UNDER  
SECTION 102 OF THE TRADE ACT OF 1974, SUCCESSFUL TRADE  
AGREEMENTS WILL BE ENTERED INTO WITH FOREIGN COUNTRIES  
OR INSTRUMENTALITIES PROVIDING FOR THE REDUCTION OR  
ELIMINATION OF BARRIERS TO OR OTHER DISTORTIONS OF INTER-  
NATIONAL TRADE; AND

"(C) THE IMPOSITION OF THE ADDITIONAL DUTY UNDER  
THIS SECTION WITH RESPECT TO SUCH ARTICLE OR MERCHANDISE  
WOULD BE LIKELY TO SERIOUSLY JEOPARDIZE THE SATISFACTORY  
COMPLETION OF SUCH NEGOTIATIONS."

PLEASE BE ASSURED THAT WE INTEND TO CONSULT FULLY,  
AND IN A TIMELY MANNER, AS IS OUR NORMAL PRACTICE, WITH THE  
COMMISSION ON ALL ISSUES INCLUDING THOSE RELATING TO  
COUNTERVAILING DUTY INVESTIGATIONS OF CONCERN TO THE EC.  
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IN PARTICULAR WE WELCOME ANY COMMUNICATIONS FROM THE EC  
CONCERNING THE APPROPRIATENESS OF THE USE OF DISCRETIONARY  
PROVISION IN SPECIFIC CASES. END TEXT. KISSINGER

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## Message Attributes

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**Draft Date:** 22 APR 1975  
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**TAGS:** EAGR, ETRD, EEC  
**To:** EC BRUSSELS  
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